

Before the Court is Plaintiff and Counter-Defendant Nevada State Bank's Amended Motion for Attorney's Fees (ECF No. 18).¹ Defendants and Counter-Claimants McKnight & Associates, Ltd. and Patrick McKnight improperly removed this case to federal district court on June 30, 2011. At the July 15, 2011 hearing, this Court found that there was no objectively reasonable reason for the removal and it was untimely. The Court ordered the case be remanded to state court and indicated that it will award reasonable attorney's fees to Nevada State Bank pursuant to 28 U.S.C. § 1447.

¹ Nevada State Bank did not initially comply with all the requirements of Local Rule 54-16 in its Motion for Attorney's Fees (ECF No. 11).

1 The Court first reviews the hourly rate and the number of hours to calculate the “loadstar”
2 figure. *Fischer v. SJB-P.D., Inc.*, 214 F.3d 1115, 1119 (9th Cir.2000) (citation omitted).
3 Nevada State Bank requests \$5,337.50 for attorney’s fees incurred in filing a motion to remand
4 and appearing at a hearing on the motion. Reviewing the itemization of the bill it appears that it
5 took approximately sixteen (16) hours to research and draft the motion to remand. Additionally
6 there were five (5) hours billed for preparation for the hearing on the motion to remand. The
7 Court finds that this would be a reasonable amount of time to draft a motion to remand and
8 prepare for a hearing. The hourly rate of \$150–\$275 per hour is reasonable in the Las Vegas
9 market.

10 Next the Court looks at the *Kerr* factors, which are consistent with the local rule
11 governing motions for attorney’s fees (*See* LR 54-16(b)(3)) to determine if the amount should be
12 reduced. *Id.*; *see also Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir.1975). Nevada
13 State Bank submitted a summary of their work complying with Local Rules 54-16. In this case,
14 the motion to remand was very straightforward and did not involve any novel issues of law.
15 Therefore sixteen (16) hours to research and draft the motion in this case appears excessive and
16 the court reduces this to ten (10) hours. Furthermore, Nevada State Bank was aware before the
17 hearing that McKnight & Associates would not be opposing the motion to remand but only the
18 award of attorney’s fees. Therefore, five (5) hours also seems excessive to prepare for the
19 hearing. The Court reduces this amount to two and one-half (2.5) hours.


20 Accordingly, Nevada State Banks’ Motion for Attorney’s Fees is granted in the total
21 amount of \$3,125.00.

22 **IT IS HEREBY ORDERED** that Nevada State Bank is awarded \$3,125.00 for its
23 attorney’s fees incurred in pursuing its motion to remand. Nevada State Bank’s Amended
24 Motion for Attorney’s Fees (ECF No. 18) is **GRANTED as stated in this Order.**

25 **IT IS FURTHER ORDERED** that Nevada State Bank’s Motion for Attorney’s Fees

1 (ECF No. 11) is **DENIED as moot**.

2 DATED this 12th day of December, 2010.

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6 Gloria M. Navarro
7 United States District Judge
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